



# UNITED STATES PATENT AND TRADEMARK OFFICE

my

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,516	06/07/2001	Larry G. Ingraham	44018-0001	9221

20822 7590 10/01/2003

RUDEN, MCCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.  
P.O. BOX 1900  
FORT LAUDERDALE, FL 33301

EXAMINER
----------

COZART, JERMIE E

ART UNIT	PAPER NUMBER
----------	--------------

3726

8

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/876,516

Applicant(s)

INGRAHAM, LARRY G.

Examiner

Jermie Cozart

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 12-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Patterson.

Patterson discloses fabricating a sign (not labeled see Figure 2), wherein three dimensional pieces of element material are selected for defining respectively a signage recipient base element (14) and at least one signage donor element (not shown), the pieces of element material being of similar construction except for at least one difference in appearance or tactile perception. Patterson discloses determining signage content for the sign. Patterson discloses specific substance having been removed from the recipient base element configured to represent the signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content. Patterson discloses having extracted from the signage donor element, signage material (20) configured substantially the same as the signage content specific substance of the recipient base element. Patterson also discloses inserting in the recipient base element having recipient cutout shapes (14), the signage material (20) from the donor element, to thereby fill in the base having recipient cutout shapes. Patterson employs as the signage donor element a material having a surface

texture significantly different from the recipient element. The signage material (20) a thickness dimension significantly different than the thickness dimension of the recipient base element (14), whereby the signage material projects from the recipient base (14). *See column 2, lines 42-66; column 3, lines 15-20, and 31-35; and Figures 1-2 for further clarification.*

Patterson discloses the step of selecting pieces of element material as including selecting for the recipient base material, conventional baseboard product (i.e. drywall, plaster board), whereby the sign will be suitable for installing as a section of baseboard within a building (i.e. interior wall surfaces). Patterson also discloses affixing a sticky backing (12) to the recipient base element (14) the temporary adherence of the signage material (20) in the recipient base element, until the sign is ready for installation. *See column 3, lines 15-20, 31-35, and 60-63; and Figures 4-6 for further clarification.*

3. Claims 1-4 and 6-8 rejected under 35 U.S.C. 102(b) as being anticipated by Buck (2,591,779).

Buck`779 discloses fabricating a sign (not labeled), wherein three dimensional pieces of element material are selected for defining respectively a signage recipient base element (24) and at least one signage donor element (14, 15, 16), the pieces of element material being of similar construction except for at least one difference in appearance or tactile perception. Buck`779 discloses determining signage content for the sign. Buck`779 discloses specific substance having been removed from the recipient base element (24) configured to represent the signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content. Buck`779 discloses having extracted from the signage

donor element, signage material configured substantially the same as the signage content specific substance of the recipient base element. Buck`779 also discloses inserting in the recipient base element (24) having cutout shapes, the signage material from the donor element, to thereby fill in the base having recipient cutout shapes. See *column 4, lines 34-69, and Figures 1, 2, and 10-13 for further clarification.*

Buck`779 discloses the step of extracting to include cutting from the donor element, three-dimensional material. Buck`779 also discloses the steps of removing and extracting to be accomplished by die cutting, and the step of inserting causes the signage material to be integral within the recipient base element. See *column 6, lines 12-18 and Figures 1, 2, 11, and 13 for further clarification.*

Buck`779 discloses one of the pieces having a color different than the other piece, whereby the signage has a color different from the recipient base color. Buck`779 also discloses the selecting being of three pieces, each piece having a difference of color (i.e. reflective, cardboard, plastic), whereby the signage of two colors, both different from the color (i.e. clear masking sheet) of the recipient base. Buck`779 employs as the signage donor element a material having a surface texture significantly different from the recipient element. See *column 4, lines 34-69 and Figures 1, 2, 7, and 13 for further clarification.*

4. Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Buck (3,461,583).

Buck`583 discloses fabricating a sign (not labeled), wherein three dimensional pieces of element material are selected for defining respectively a signage recipient base element (20) and at least one signage donor element (not shown), the pieces of

element material being of similar construction except for at least one difference in appearance or tactile perception. Buck`583 discloses determining signage content for the sign. Buck`583 discloses specific substance having been removed from the recipient base element (20) configured to represent the signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content. Buck`583 discloses having extracted from the signage donor element, signage material configured substantially the same as the signage content specific substance of the recipient base element. Buck`583 also discloses inserting in the recipient base element (20) having recipient cutout shapes, the signage material (16, and associated letters) from the donor element, to thereby fill in the base having recipient cutout shapes. *See column 2, lines 4-18 and Figures 1-2 for further clarification.*

Buck`583 discloses the step of inserting causes the signage material to be integral within the recipient base element, wherein inserting is by friction fit which is essentially a snug fit and equivalent to a snap-fit per the description in applicant's specification at page 9, lines 16-18. *See column 2, lines 56 and 57 for further clarification.*

### ***Response to Arguments***

5. Applicant's arguments filed 7/14/03 have been fully considered but they are not persuasive.

Applicant's argue with respect to the Patterson reference, that it fails to show the removal from the recipient base element specific substance configured to represent the signage content, such that there remains as the recipient base element, a base having

recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient base element having recipient cutout shapes, the signage material from the donor element, to thereby fill in the base having recipient cutout shapes.

In response, the Examiner maintains that in the Patterson reference, the removal from the recipient base element (14) specific substance configured to represent the signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content is inherent. The disclosure of the Patterson reference at column 2, lines 42-66 leads one of ordinary skill in the art to extract from the signage donor element, signage material configured substantially the same as the signage content specific substance of the recipient base element since Patterson discloses that the signage donor can be either metal, plastic, ceramic, or any other decorative material. In addition, the Patterson reference discloses inserting into the recipient base element (14) having recipient cutout shapes, the signage material (20) from the donor element, to thereby fill in the base having recipient cutout shapes.

Applicant's argue with respect to the Buck'779 reference, that it fails to show the removal from the recipient base element specific substance configured to represent the signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient

base element having recipient cutout shapes, the signage material from the donor element, to thereby fill in the base having recipient cutout shapes.

In response, the Examiner maintains that the Buck`779 reference discloses the removal from the recipient base element (24) specific substance configured to represent the signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content, and that extracting from the signage donor element, signage material (identified by 14, 15, 16 or characters 22) configured substantially the same as the signage content specific substance of the recipient base element. Buck`779 discloses inserting into the recipient base element (24) having recipient cutout shapes, the signage material (22) from the donor element, to thereby fill in the base having recipient cutout shapes. *See column 5, line 70 – column 7, line 59 for further clarification.*

Applicant's argue with respect to the Buck`583 reference, that it fails to show the removal from the recipient base element specific substance configured to represent the signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content; extracting from the signage donor element signage material configured substantially the same as the signage content specific substance of the recipient base element; and inserting into the recipient base element having recipient cutout shapes, the signage material from the donor element, to thereby fill in the base having recipient cutout shapes.

In response, the Examiner maintains that from the Buck`583 it is clearly obvious that there is removal from the recipient base element (20) specific substance configured



to represent the signage content, such that there remains as the recipient base element, a base having recipient cutout shapes possessing the signage content, and that extracting from the signage donor element, signage material (i.e. letters) configured substantially the same as the signage content specific substance of the recipient base element, and inserting into the recipient base element (20) having recipient cutout shapes, the signage material (i.e. letters) from the donor element, to thereby fill in the base having recipient cutout shapes. *See column 2, line 3 – column 3, line 7 for further clarification.*

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical

Art Unit: 3726


section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 703-305-0126. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich can be reached on 703-308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

JC   
September 29, 2003

  
GREGORY VIDOVICH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700